



Maryland

Department of the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Crumbles, Secretary
Horacio Tablada, Deputy Secretary

October 15, 2021

Mr. Donald Bole
USACE, Baltimore District
Regulatory Branch
2 Hopkins Plaza
Baltimore, MD 21201
via electronic mail: Donald.R.Bole@usace.army.mil

Mr. Todd Schaible
USACE, Philadelphia District
Regulatory Branch
The Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107
via electronic mail: Todd.A.Schaible@usace.army.mil

Re: Proposed Nationwide Permits Reissuance, Water Quality Certification Request, AI # 168223,
20-WQC-0050(R1) and Coastal Zone Consistency Determination

Dear Mr. Bole and Mr. Schaible:

This is in response to the U.S. Army Corps of Engineers (ACOE), Baltimore and Philadelphia District requests for water quality certification (WQC) under Section 401 of the Clean Water Act and coastal zone consistency determination pursuant to Section 307(c)(3)(A) of the Federal Coastal Zone Management Act of 1972, as amended, (CZMA) for the reissuance of the Nationwide Permits, SPN-20-62 (NWP). Your requests were submitted to the Maryland Department of Environment (MDE) on October 15, 2020 for WQC and on September 25, 2020 (Philadelphia) and September 30, 2020 (Baltimore) for CZMA. On December 15, 2020 MDE issued a WQC and CZMA. On January 13, 2021, the Corps reissued 12 existing and/or modified NWPs (NWPs 12, 21, 29, 39, 40, 42, 43, 44, 48, 50, 51, 52) and issued four new NWPs (55 (A), 56(B), 57(C), 58(D)) effective on March 15, 2021. By letter to MDE dated March 8, 2021, the Corps declined to rely on the Certification issued by Maryland on December 15, 2020 for these reissued and new NWPs. As such a project proponent is required to request an individual Certification from Maryland for these NWPs.

On August 19, 2021, the Corps notified Maryland that it was extending the reasonable period of time for Maryland to act on the WQC and extending an opportunity to states for supplemental CZMA coordination for the 41 NWPs not yet reissued by the Corps until October 15, 2021. Specifically, NWPs 3, 4, 5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 45, 46, 49, 53, 54 and 59 (E).

Enclosed you will find Maryland's conditioned Water Quality Certification and CZMA determination for the 41 NWP's not yet reissued. Please take a moment to read and review the WQC and CZMA determination to ensure that you understand the limits of the authorized work and all of the general and special conditions.

This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such a decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision, and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

In accordance with 15 C.F.R. §930.62 a conditional CZMA determination is considered as an objection to the proposed activity if the aforementioned CZMA conditions are not acceptable to ACOE. Should ACOE object to these conditions and Maryland's consistency determination, it has 30 days from receipt of this determination to request that the Secretary of Commerce override the State's objection under 15 C.F.R. Part 930, Subpart H.

Please contact me if you have any questions. I can be reached at 410-537-3528 or by email at hnelson@maryland.gov

Sincerely,



Heather L. Nelson, Manager
Federal Consistency Coordinator
Wetlands and Waterways Program
Water and Science Administration

Enclosure(s):

Water Quality Certification w/Attachments

Coastal Zone Management Act Consistency Determination w/ Attachments

cc: (via electronic mail)

Beth Bachur, Regulatory Branch, USACOE Baltimore District

Michael Yost, Regulatory Branch, USACOE, Philadelphia District

Joseph Abe, DNR